IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.3526 OF 2005
IN
CRI.APPEAL NO. OF 2005

The State of Maharashtra ..Applicant/appellant

Vs.

Jaikishan Laxminarayan Meena ..Respondent

...

Mr.A.S.Shitole A.P.P. for the State
Mr.B.R.Patil Advocate for Respondent

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 23, 2007

P.C.

1. Heard the learned A.P.P. for the State of Maharashtra and learned counsel for the respondent-original accused.

2. Being aggrieved by the judgment and order dated 31.12.2005 passed by the learned Special Judge, Nasik in Special Case No. 6 of 1998, this appeal has been preferred. By the said judgment and order, the learned Special Judge acquitted the respondent-accused under Sections 7, 13(1)(d) read with Section 13(1)(2) of the Prevention of

Corruption Act, 1988.

3. I have perused the judgment and order of the learned Special Judge as well as the evidence produced before me. It is the prosecution case that the respondent was a public servant and he demanded and accepted a bribe of Rs.1300/- as gratification other than legal remuneration for doing an official act of issuing cheque by his position as a public servant.

4. In the present case, no sanction has been granted for prosecution of respondent-accused. It has come in the evidence of PW 4 that after he sent proposal for getting sanction to Deputy Director, Vigilance, PHIC, he received letter Exh.67 to the effect that the competent authority had not issued sanction for the prosecution of the accused. On account of want of sanction, the learned Special Judge has acquitted the accused. In this view of the matter, I am of the opinion that the view taken by the learned Special Judge is a reasonable and possible view.

5. It is well settled that if the view of

acquittal could have been reasonably arrived at then the mere circumstance that the appellate Court would have taken a different view, would be no ground to interfere. In this connection, there is no dearth of authorities but to eschew prolixity, I am referring to only two of them i.e. **AIR 1971 S.C. 66 Khedu Mohton and Ors. Vs. State of Bihar and C. Anthony Vs. K.G.Raghavan Nair (2003) 1 SCC 1.** In the case of **C.Anthony**, the Supreme Court has observed that unless the findings of the trial Court are perverse or contrary to the material on record, the High Court cannot in appeal substitute its findings, merely because another contrary opinion was possible on the basis of material on record. As stated earlier, the view taken by the learned Special Judge is a reasonable and possible view, hence, no interference is called for.

6. In this view of the matter, application for leave to appeal is rejected.

[V.K.Tahilramani, J.]